

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
October 15, 2013
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Marlin Weisheit, Vice President and Rick Reid, Member

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. Auditor, L.B. "Dixie" Dugan was in attendance.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION

C-13-004 - MCF Construction, Mike Freeman, owner ~ Lot 14 Heritage Commercial Court ~ 7051 Savannah Drive ~ Cashier's Check \$6,750.00

Don Williams: First of all we'll take care of some Area Plan Business, Sherri, if you would.

Sherri Rector: Thank you, I only have one item and it's a Commercial Driveway C-13-004, MCF Construction, Mike Freeman, owner. It's Lot 14 Heritage Commercial Court, 7051 Savannah Drive. We are holding six thousand seven hundred fifty dollars (6,750.00) and it has been completed and has been signed off by Mr. Howard, County Engineer.

Don Williams: Okay, with that in mind, Mr. Engineer, you want to confirm that?

Bobby Howard: Yes, the driveway is completed per the plan and I would recommend release of the surety.

Don Williams: Okay. You've heard the recommendation of the Engineer. I'll entertain a motion.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: We have a motion and a second to return the cashier check of six thousand seven hundred fifty dollars (\$6,750.00) to MCF Construction. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Sherri Rector: Thank you.

ITEMS FOR DISCUSSION

Sally Pfafflin ~ Request for Road Width Exemption – Sycamore Hollow Road

Don Williams: Okay, Items for Discussion. Mrs. Pfafflin, if you want to come on up and we'll take you first.

Sally Pfafflin: Thank you, excuse my gravelly voice...

Rick Reid: You sound good.

Sally Pfafflin: My name is Sally Pfafflin; I live at 1759 Sycamore Hollow Road, Newburgh. I have lived there for thirty one (31) years. The property is three (3) acres. I would like to purchase some of the property from myself and build a smaller house. I was advised that I would need to bring the road, which was a little narrow dedicated road, up to standard quality. Tim Metzger and Mr. Howard visited the site and then Mr. Metzger gave me a budgetary proposal that I have a map of, if you need it I'd be glad to leave it, but my purpose here then is to ask that you respectfully consider an allowance that would make the road less, it would be three (3) feet additionally on each side bringing it not quite up to standard.

Don Williams: Let me make sure I understand your request. You're requesting an eighteen (18) foot wide paved road?

Sally Pfafflin: Yes.

Don Williams: Okay, instead of...I think originally we approved it at twenty two (22) feet chip and seal if I remember correctly.

Sally Pfafflin: Yes.

Don Williams: It's been awhile, okay, anything else you'd like to add? If that's it I'll talk to our Engineer and see what his thoughts are.

Sally Pfafflin: Well, it's just that every time I mow there I think what an ideal place to build a smaller house.

Don Williams: Okay. Mr. Howard, do you have a recommendation on Mrs. Pfafflin's request?

Bobby Howard: Um, well, I mean, hopefully she can subdivide and be able to build once the road is completed and accepted for maintenance but her engineer would have to make sure that's worked out. But I would recommend an eighteen (18) foot wide asphalt roadway over a twenty two (22) foot wide chip and seal in this area.

Don Williams: Eighteen (18)?

Bobby Howard: Eighteen (18) foot wide, yes. And I met with her contractor who gave her the estimate and went over some of what would be required to meet the road standards in regards to these... they want to go narrower on the width so I would prefer an asphalt road in this area as opposed to a chip and seal for maintenance purposes as well.

Don Williams: Okay, so you're in agreement and recommend approval?

Bobby Howard: Yes, Sir.

Rick Reid: There's not much traffic back there anyways.

Don Williams: No, there are only three (3) houses. Yes, Sherri.

Sherri Rector: In with this because before we went back to 2002, I think we started, or 2001 even maybe.

Don Williams: I was somewhere in there.

Sherri Rector: At that time, Bobby, she had to put in, if it was approved, the road dedication and everything, a cul-de-sac which for her to be able to get it in there, a turn around, because this would just end right into her property and there would be no way for a person to turn around going up and down and the adjacent property owner didn't want any dedicated right-of-way/turnaround on his property, so I think you need to look at that too, there's a whole lot more to look at than just how wide the road has to be.

Bobby Howard: This is the consensus on the road width and then Street Plan Approval would have to come after this and then in that case the Street Plan Approval is where we would look at any type of turnaround...

Sally Pfafflin: There is currently one there but it's only eighteen (18) feet deep and twelve (12) feet wide by a fire hydrant.

Bobby Howard: A turnaround up in that area?

Sally Pfafflin: It is a...I would call it a 'pull in and back out'. You cannot turn around without it.

Sherri Rector: And I just want Ms. Pfafflin to understand that just...turning in a width is not approving anything.

Bobby Howard: Yes, at this meeting we're just approving the consensus that they would allow a lesser standard from the street plans and then at that time you would go back and have street plans developed for approval.

Sally Pfafflin: Yes, well part of the reason that it was 2002 that I was here before was because my neighbors were always selling their houses and they asked me 'please don't sell your house...or please don't do this until we sell our house' and after further investigation, I don't understand legalese that well but I think that actually the original purchaser of the land, Thomas Candle, had my husband, Ed Pfafflin, give him a right-of-way, an easement to go through our property to get to his.

Sherri Rector: Right.

Sally Pfafflin: And I would be willing...I know that Janet Hornbeck presently owns that property and it would be a shame to build the cul-de-sac where it is drawn because it would...it wouldn't look as pretty for her and she is selling her house.

Sherri Rector: What you really need to do, Ms. Pfafflin, I'm sorry Don, is to get your engineer to come into another site review with it then sit down with Bobby and I and with your engineer/surveyor and go over the street plans, the platting process and all that with you again.

Sally Pfafflin: That's fine. That would be Mr. Bivens; he was here with me before.

Sherri Rector: Okay. Thank you.

Sally Pfafflin: Thank you very much.

Don Williams: Okay, with that being said we can go ahead and approve the width can we not, Counselor?

Adam Long: I believe so.

Don Williams: Okay, I entertain a motion on the Engineers approval.

Rick Reid: I'll make a motion to approve the eighteen (18) foot width.

Marlin Weisheit: Second.

Don Williams: Okay, I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Sally Pfafflin: Thank you very much. Have a good evening.

Don Williams: You too.

Marlin Weisheit: You too.

Patrick Rauscher, Director, St. Mary's Warrick EMS ~ Presentation of Billing Rate Proposal

Don Williams: Alright, EMS, come on up, one or both or more if you got them with you. You have several issues today I understand.

Patrick Rauscher: Hopefully just a couple of easy ones.

Don Williams: What would you like to talk about first?

Patrick Rauscher: You want to just see the Monthly Report and the Budget?

Don Williams: We can and then we normally do our monthly report the last...the 4th Monday in the month but since you got other issues we would like for you to go ahead and do that. Hang on just a moment; let me make sure my two colleagues have a copy.

Rick Reid: I got it.

Marlin Weisheit: I got it.

Don Williams: Okay, we're ready to go.

Patrick Rauscher: Pat Rauscher, for Warrick EMS; these are the Stats and the Financials for September of 2013. We had three hundred ninety seven (397) total ambulance runs, two hundred thirty nine (239) to local hospitals including one (1) by aircraft, fifty four (54) refusals, forty eight (48) hospital transfers, twenty five (25) of the others which was the disregards, no patient or dead onscreen and thirty one (31) private runs. All of our Customer Satisfaction Surveys were satisfactory and we had a ninety nine percent (99%) success rate of our goal response time.

Don Williams: Any questions from the board?

Marlin Weisheit: No.

Rick Reid: No.

Don Williams: Alright, let's look at Financials then.

Patrick Rauscher: Financials for the same month we were two thousand three hundred fifty nine dollars and fifty seven cents (\$2,359.57) over budget on our collects which for the year puts us now at one hundred twenty seven thousand nineteen dollars and fifty eight cents (\$127,019.58) over budget for our collects. For our total expenses for the month we had twenty eight thousand eight hundred forty six dollars and sixty five cents (\$28,846.65) under budget putting us for the year at one eighty four thousand five hundred thirty four dollars and eighty one cents (\$184,534.81) under budget for our expenses.

Don Williams: Any questions from the board?

Rick Reid: No.

Marlin Weisheit: No, it looks good.

Don Williams: Thank you on that. The next issue.

Patrick Rauscher: We wanted to...we started back in July talking to you, I actually think it was before even I came on you were working with Tony and the team here about refusal rates. Tony started looking into with our building company about increasing our ambulance rates since we hadn't done that in awhile so I sent to you kind of the re-draft of the same dollar figures there. We had gone through the process of making sure...making the amendment in the contract, make sure the wording was okay for the refusal for counselor's recommendation and we got that all finally done so we wanted to bring this to you for your approval to go forward with the billing processes here.

Don Williams: Okay, I have one question.

Patrick Rauscher: Okay.

Don Williams: Because I like to look at all the increases and I like to see the percentage of increase, it's just old habit. On the...first of all, very briefly could you tell me the difference between ALS emergency one (1) base rate and a two (2) base rate?

Patrick Rauscher: As far as what those different rates are...?

Tony O'Neal: Well, they're both ALS runs and it's basically that the criteria of the run...if it's...

Don Williams: Same amount of equipment and medication and that sort of thing is the difference?

Tony O'Neal: Absolutely, this puts it in which tier it is. If it's just a basic ALS run versus a tier one (1) or a tier two (2).

Don Williams: Okay, cause as I looked at the rest of these it varied between...well, excluding a mileage rate, it varied between two point six (2.6) and twelve percent (12%) and this one was like twenty one point seven (21.7).

Tony O'Neal: Yeah, a little higher, and what we kind of did...

Don Williams: Is that amount actually justified?

Tony O'Neal: Yes, Sir. And what we did is we looked at other services in the area and kind of...

Don Williams: Bring yours in line with other services?

Tony O'Neal: Yes, Sir.

Don Williams: Any other questions from the board?

Marlin Weisheit: I have none.

Rick Reid: None.

Don Williams: Okay, I'll entertain a motion for the proposed rates.

Marlin Weisheit: I'd make a motion to approve.

Rick Reid: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. The motion carries. Thank you, Gentlemen. And now there is a yet another request from you guys. Don't make this a habit; we're used to the five (5) minute report.

Tony O'Neal: I know that.

Patrick Rauscher: Everything came together at once.

Tony O'Neal: I've been working really over the last six (6) or eight (8) months on looking at ways to get us a command vehicle. EMS is...if you look at the county we are the only emergency service in the county that does not have a command vehicle or a response vehicle that we can go to scenes. But before I really get into that, to that packet that I sent you all, there's the financials attached to that and I just wanted to show you a little bit of what...some ground that we made from last year to this year. If you go back to September of 2012 we were about seventy five thousand dollars (75,000.00) under budget on collectable revenue and we were about one hundred thirty three thousand dollars (\$133,000.00) under budget year-to-date on expense. Today not only did we make that seventy five thousand dollars (\$75,000.00) up but we're actually one hundred twenty six thousand dollars (\$126,000.00) over budget so we've really...

Don Williams: You're talking about in receivables?

Tony O'Neal: In receivables, I'm sorry, yes, Sir, in receivables.

Don Williams: Don't want anybody getting scared out there.

Tony O'Neal: Yes, no, in receivable funds, yes, so we made about two hundred thousand dollars (\$200,000.00) up just in the last year and we've done that by doing some things with how we do our runs and we've picked up some more private runs, which puts us again about one hundred eighty five thousand dollars (\$185,000.00) under budget year-to-date. And what I would like to ask the Commissioners if we could purchase a command vehicle out of those funds we would not be asking you guys for any additional money for this truck.

Don Williams: And I understand that you're wanting to purchase it from Law Chevrolet which is a local business.

Tony O'Neal: That's correct.

Don Williams: And the reason for it it'll come wired for both your lights and your flashing lights and siren and all that.

Tony O'Neal: Yes, it will all be pre-wired, it is a special service vehicle, it'll be pre-wired and also they offer the same bid incentive as other dealerships so that is included in that price.

Don Williams: And you did do as I suggested, asked them if they would waive the delivery fee of about one thousand dollars (\$1,000.00) if I recall.

Tony O'Neal: I did do that and they honored that and did reduce that.

Don Williams: Good, good, any questions from the board?

Marlin Weisheit: I have none.

Don Williams: Mr. Reid, do you have anything, Commissioner?

Rick Reid: Is it necessary right now to do that?

Tony O'Neal: Well, it is if you look at some of the situations we've had recently. We had a issue up off Vann Road that required really for me to get there and trying to do that in a private vehicle is just very hard in the risk value and then we've had a couple of runs here in the county just this past week that they could have used assistance so it's something that we've needed for a long time it's just that we've really felt like we wanted to make sure financially we were there and so I think this would be a good time.

Don Williams: Let me ask you this then, how many trips would you say you make a month in your private vehicle on EMS business?

Tony O'Neal: Well, I can tell you this. I live eight (8) miles out of town on Yankeetown Road. I bought a truck last year new and I've got thirty one thousand (31,000) miles on that truck and most of it has to do with county business. I would say that I probably...doing county work, between going to stations, going to scenes for assistance, you know, there's probably ten (10) to fifteen (15) a week easily.

Don Williams: Okay, do you have any other questions, Commissioner Reid? Commissioner Weisheit?

Marlin Weisheit: No.

Don Williams: Okay, I entertain a motion.

Marlin Weisheit: I'll make a motion to approve the purchase of this vehicle. I think it can be utilized and they've done their homework on the bids here, it'll probably pay off in time, I think it would be very beneficial to their organization.

Don Williams: I appreciate the paperwork and identifying the benefits to the county in doing this too.

Marlin Weisheit: Yes.

Don Williams: Do I have a second?

Rick Reid: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Tony O'Neal: Thank you, Gentlemen.

Marlin Weisheit: Thank you, guys, we appreciate what you do.

Don Williams: We get to ride in it one time.

Rick Reid: Just once.

Pat Rauscher: We'll keep it shorter next meeting.

Marlin Weisheit: For non-medical reasons.

Don Williams: For non-medical...non-medical reasons. You never know these days.

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Dental Insurance Renewal ~ Health Resources, Inc.

Don Williams: Okay, let's continue on if you would, we have Departmental Reports, Mr. Administrator, why don't you take off on your area there.

Roger Emmons: Thank you, Mr. President, first item I have is the Dental Insurance Renewal. That is Dental Health Options by Health Resources Incorporated. You normally do this annually but in reviewing the current Plan Renewal Election I would recommend, given the popularity of this dental plan with our employees and it is employee option; doesn't cost the county a thing, that Alternative 2 is for thirty six (36) months and it actually reduces the employees monthly cost. Employee only reduces from twenty six thirty four (\$26.34) a month to twenty four eighty (\$24.80); Employee and One goes from fifty four sixty four (\$54.64) to fifty two fifty (\$52.50); and Employee and Family goes from ninety six seventy four (\$96.74) to ninety four dollars and eighty cents (\$94.80) a month. In addition to that option Payroll Deputy Sharon Shoulders has requested that the effective date of coverage for new participants onto this dental plan be the same as MedBen which is the first day of the month following thirty (30) days of employment and I think that's probably a good idea. She says right now it's immediate and she has some trouble/difficulty in getting the deductions timely on that.

Don Williams: Yeah, I think that's a reasonable request.

Marlin Weisheit: I agree.

Roger Emmons: And HR advised that the only thing we had to do to accomplish that is just to put it on the instructions on this renewal form so I think the first thing, whether or not the board agrees with doing the Plan Renewal Election Alternative 2 which would be from November 1st, 2013 thru October 31, 2016 that is the thirty six (36) month option.

Don Williams: Now, I have one question.

Roger Emmons: Yes.

Don Williams: This would lower rates which you...

Roger Emmons: Yes.

Don Williams: Will those rates be locked in for the full three (3) years? Do you know that?

Roger Emmons: Yes.

Don Williams: They will? Great, okay, any other questions?

Marlin Weisheit: I have none.

Don Williams: Entertain a motion.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Roger Emmons: Thank you very much. I'll get Don's signature after the meeting on that one.

2012 Homeland Security Grant Program Sub-Grant Agreement ~ EDS# C44P-4-037B

Roger Emmons: The next item is the 2012 Homeland Security Grant Program Sub-Grant Agreement – EDS# C44P-4-037B. I copied you on my October 7th email to Susie and in that provided some information about the grant. It is for not-to-exceed amount of twenty one thousand four hundred twenty eight dollars and fifty eight cents (\$21,428.58). It's for District Training and Exercise 2012. That amount that I gave you consists of six thousand three hundred twenty eight dollars and fifty eight cents (\$6,328.58) for Service Support and Task Force Responder Exercise and fifteen thousand one hundred dollars (\$15,100.00) for Public Information Position Specific Class so I would ask the consideration of this grant.

Don Williams: Okay, any questions about the proposed grant? If not I will entertain a motion on the 2012 Homeland Security Grant.

Rick Reid: Is this one of those grants that we have to pay for upfront then they pay the money back?

Don Williams: Not this one; that was the HAVA Grant.

Roger Emmons: No, not this one.

Don Williams: No, this one just comes in.

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

Don Williams: Have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Roger Emmons: Thank you, I'm going to put a blue ink pen on this. There's a note that says 'sign in blue ink', that came from Dallas Scott's office.

AFLAC Hospital Advantage Plan

Roger Emmons: The next item is the AFLAC Hospital Advantage Plan. Laurel Seger just walked in; she's one of our account reps. Basically AFLAC has been providing their products to Warrick County Employees for over thirty (30) years now. I can remember when I started at the highway in 1975 that Ida Ruth Phillips was the agent at that time so over the years AFLAC has added products. I believe they also administer our Section 125 which is federally mandated on the Section 125, the pre-tax benefits, and they do all the forms on that. So, what they would like to know today is if the board would allow them to offer their Hospital Advantage Plan and the options that they have...there are non-HSA options and these amounts are from fifteen hundred (\$1,500.00), two thousand (\$2,000.00), twenty five hundred (\$2,500.00) to three thousand (\$3,000.00).

Don Williams: Did you say non-HSA?

Roger Emmons: That's the non-HSA. But because over ninety percent (90%) of our employees that take our health insurance have the high deductible health plan with an HSA Cheryl Seger recommends that we take the HSA (Option H) and do the Select 2000, which is for the two thousand dollars (\$2,000.00) and our employees who are on the PPO, as I understand it, they're also eligible for that. But they just don't have an HSA but they would still get the coverage if they would go to the hospital...

Don Williams: Are they getting it now under the HSA? If you would Ms. Seger, if you might come, we'll...I'm sure we'll have some questions.

Roger Emmons: And this is a new plan so...?

Laurel Seger: Yes. Hi, I'm Laurel Seger, like he had mentioned, I have perfect timing I think.

Roger Emmons: Yes, you did.

Don Williams: You need to speak up just a little so we can get you down.

Laurel Seger: What Roger is trying to explain is that in 2013 AFLAC has opened up a whole new product and it's called 'Our Hospital Advantage'. Really, they brought it up because we know about the health care reform and we know a lot of things are changing in the health care world and so AFLAC has brought up this brand new policy. It's an inclusive of any kind of sickness or any kind of accident so it's not a specialized product like a lot of our cancer or our critical care and those, it's opened up to any kind of hospitalization confinement. What Roger was saying since you have a Health Savings Account here and we have to comply with that in regards to offering a HSA compatible policy because obviously we always try to keep you and us as well in compliance we come up and we try to make things match as such. So with Roger telling that you have what ninety percent (90%) of your employees...?

Roger Emmons: It's over ninety percent (90%) have the HDHP.

Laurel Seger: Plus having the high deductible plan then that will list to be absolutely compatible. Of course you realize that these are voluntary products so it's definitely just being able to educate your employees to let them know that this could be an option for them and then they can use it as part of their benefit package to help offset any deductibles such as the high deductible like a shared or your out-of-pocket expenses and that's the biggest thing what AFLAC does is try to offset that because everything we do goes back into your employees pockets because that's what...

Roger Emmons: This particular policy is used whenever, I think Laurel mentioned, whenever a person is hospitalized regardless of whether it's because of sickness of an injury their other policies may be either/or.

Laurel Seger: Um-hm, they're specialized in certain things.

Roger Emmons: Yeah, they're specialized in the type of coverage but this...anytime you go into the hospital, regardless of the reason, you would get up to two thousand dollars (\$2,000.00) and the check would be paid directly to the participant, it doesn't go to the provider.

Don Williams: And of course this is optional, county employees so nobody is under any pressure to take it and it is at no cost to the county.

Roger Emmons: That's correct.

Laurel Seger: That is correct. That is...all of our products are such...they are voluntary for people to be able to enhance their benefit packages if they so chose. It does give twenty three (23) hours of confinement would be your hospital stay and it's a two thousand...like I said, we shared that would be the best for your county employees and then daily hospital after that, each day after that would be fifty dollars (\$50.00) a day and then intensive care benefit as well. So, again, that is to be in compliance with your HSA being in place.

Don Williams: Okay, any questions from the board? What's the will of the board?

Laurel Seger: Questions for me...you don't normally get...

Don Williams: Are there any questions...?

Laurel Seger: You don't normally get a representative of the 'duck' so up close and personal here so...

Roger Emmons: And some of the other plans they've offered are a Cancer Plan which I take that myself and it did payoff. Do you do the Life?

Laurel Seger: I think we do offer Life, a Critical Care, the Accidental, absolutely.

Roger Emmons: And it's just giving them the right to offer it to the employees, it's their option, it comes out of their paycheck...

Laurel Seger: Pre-taxable.

Roger Emmons: Yeah, pre-taxed payroll deducted.

Don Williams: What's the will of the board?

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Laurel Seger: Okay, thank you very much.

Roger Emmons: Laurel, will you or Cheryl come in sometime either this week or next we can work on filling out this specification...the verification statement.

Laurel Seger: Yeah, I can... (She's away from the mic.; I cannot hear)

Roger Emmons: Alright, I'll talk to you or her later. Next item.

Peabody Wild Boar Mine ~ Request to Change Stop Sign Setup at Dickeyville Road & Eby Road Intersection

Don Williams: They are not here. Let's go to item five (5) since Peabody is not here, see if they show up.

ERA First Advantage Realty ~ Request to Close Triple Crown Drive Between SR66 and Ruffian Lane for Annual Pumpkin Giveaway

Roger Emmons: Item five (5) is the ERA First Advantage Realty's annual request to close Triple Crown Drive between State Road 66 and Ruffian Lane. It's for their Annual Pumpkin Giveaway. I received an email from Diane Royster, she's Sales Manager/Broker Associate for that company, sent that in October the 8th. The Commissioners have approved this event for many years now. I'm not aware of any problems associated with it. This year's event is scheduled for Saturday, October 26th, from 11:00 AM to 2:30 PM. I think Bobby is aware as far as their need for barricades or cones, is that correct, Bobby?

Bobby Howard: That's correct.

Marlin Weisheit: I'll make a motion to approve. This has always been a nice event, went real well.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you.

Request for FMLA Leave

Roger Emmons: I have a Request for Family Medical Leave. All of the required paperwork, with the signatures, has been submitted. I would recommend approval of this request.

Marlin Weisheit: I'll make a motion to approve the FMLA Leave.

Rick Reid: Second.

Don Williams: Motion and second. All in favor let it be known by saying aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye.

Roger Emmons: Thank you very much.

Discuss Commercial Insurance

Roger Emmons: Discuss Commercial Insurance; I had a request from one of the two local agents to have the November 5th, 2013 deadline to submit quotes to be extended for two weeks. That would be to Tuesday, November the 19th. And Adam advised that that is the decision of the board alone, if you want me to send out an RFQ with amended date that's your prerogative.

Don Williams: I don't know if we need to do that. There's only two we're looking at. I talked to Bob Persimmons; he didn't have a problem with it. We had the inspections and all of the old policies and everything they need by the end of August if I remember right. Correct me if I'm wrong.

Roger Emmons: Yes, it was the end of August.

Don Williams: Okay, um, and then yet when these quotes come in we're going to have to analyze them and then we're going to have to select in an open meeting if we back this off are we going to have time to get everything done that's necessary by January 1st to get that insurance in place, that's my question. Let me look at the calendar and see...make sure I know what I'm talking about. Right now it's on the 5th and what we had in mind there is our next meeting is on the 12th.

Roger Emmons: That's correct.

Don Williams: And if we make it two weeks, well, even if we make it one week we won't be able to do anything until the 25th and normally we take it under advisement so we can analyze them...

Roger Emmons: That's correct.

Don Williams: So we're talking about December, the first meeting to get everything done. I don't have any problems and Mr. Persimmons, who is not the company that made the request, he is the other company, didn't seem to have a problem with giving the extension, the questions is can we get everything in place? That's my only question.

Roger Emmons: I think we'll still have time to review them.

Marlin Weisheit: We've went to a lot of work to get these quotes ready, I know you have Roger. If two weeks will give them a little more time to get everything together I would be okay with it.

Rick Reid: I would be too.

Marlin Weisheit: I still think we can make it.

Don Williams: I'll be from November the 5th to the 19th.

Marlin Weisheit: We'll meet the 25th.

Don Williams: The 19th is on a Tuesday. Why don't we just make it the 15th?

Marlin Weisheit: 15th?

Rick Reid: That will be good.

Marlin Weisheit: That'd be good.

Don Williams: If they can't do it in ten days I don't think the extra two is going to make that much difference.

Marlin Weisheit: Yeah, I agree with you.

Don Williams: Let's give them to the 15th and if we need to, if you two have no objection if we discover there's a necessity we'll add a regular session the week of the 18th, with only that item on the agenda.

Marlin Weisheit: Sounds good.

Rick Reid: Sure.

Don Williams: If that's okay with everybody. So, if we...we probably need to make that a motion to do that and let Roger schedule it he can call the three of us and get a consensus and schedule the date and time.

Marlin Weisheit: I'd make a motion that we extend it to the closing, 4:00 PM, on the 15th. That'll be Friday the 15th. Would that be okay with you Don?

Don Williams: I think that's fine.

Rick Reid: Second.

Don Williams: I have a motion and a second to extend that deadline for our Property Casualty Insurance until the 15th. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you. I'm not sure Peabody is going to show up to be honest with you but I can go ahead with discuss the Employee Handbook.

Don Williams: I would really...where's Bobby?

Marlin Weisheit: Here he is. (Laughter)

Rick Reid: He's already left.

Roger Emmons: He can't hide.

Don Williams: I really had a desire to talk to Peabody; I usually do when they do something like this. They tear down our stop signs and put their own up, that's not the proper height or the proper size and because we called them, they're requesting it, which is...you know, I don't have a problem with approving what they want, I just like to thank them face to face for grading Dickeyville Road, so Bobby, do we need to do this today? We probably do so our guys can get the proper signs up.

Bobby Howard: And like you said, it's a stop sign so we're changing that, that probably needs to be done by resolution, is that right?

Adam Long: Generally that's the way we've changed traffic control. I think as a matter of fact we changed the Vann and Oak Grove or something like, we changed those by Resolution a few meetings ago.

Don Williams: Counselor, why don't you prepare that Resolution then and we'll see if we can get Peabody here for the 28th.

Adam Long: Okay, yeah, if I can get the specifics because...it's kind of weird how it's written but you put it in English where the stop sign placement is going to be and sometimes it gets a little difficult, so I just need to know the description.

Don Williams: Well, we want our people to put it up. Really we want the two (2) proper sizes they tore down back.

Adam Long: And so that's tabled until October 21st?

Don Williams: October 28th.

Roger Emmons: Do we have a motion on the table?

Don Williams: Motion to table until October 28th.

Marlin Weisheit: I'd make that motion.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Okay, it's tabled until October 28th.

Roger Emmons: Thank you.

Discuss Employee Handbook

Roger Emmons: Okay, ready for my next item, Gentlemen? The next item is to discuss the Employee Handbook. There was some things in here that I found some typo's that just need correcting but the first thing I've listed is the vacation benefits and I would ask the board consider amending the employee handbook on vacation benefits to allow employees to receive payment for their earned, accrued vacation days upon leaving the county's employment regardless of reason for leaving and that is because they have been earned by virtue of that person's continuous service to Warrick County.

Don Williams: Right, okay.

Roger Emmons: And it's not in there right now.

Don Williams: Well, go ahead and let's take the other correction, I think we can take them all at one time.

Roger Emmons: Alright, second...

Don Williams: Excuse me just a minute, do either one of you Gentlemen would want to take them one at a time?

Marlin Weisheit: We can do them both.

Rick Reid: We can do them both.

Don Williams: Do them all together? Okay.

Roger Emmons: Okay, on the 'Vacation Benefits', Section 4.0 is the section I'm referring to. The next item has to do with the box, it's in the middle of the page, the paragraph right after that, the word 'after' in the first sentence should be changed to 'before' and then in the second sentence the word 'before' should be changed to 'after'. This is a typo that they had mixed up.

Don Williams: And they reversed them...okay, you can continue on.

Roger Emmons: Then 'Sick Leave' in (5) in section '4.5' should be changed to '4.4', that's another typo. And in the second under 'Paydays' second paragraph, the word 'work' should be changed to 'worked'. And I think that's it, Gentlemen.

Don Williams: Okay.

Adam Long: And what's the situation of the last one?

Roger Emmons: Let me find it.

Rick Reid: It's under 'Paydays'.

Roger Emmons: Hang on here...'Paydays' section '3.4'.

Adam Long: Okay.

Don Williams: That's it isn't it?

Roger Emmons: Yes, Sir.

Don Williams: Okay, what's the will of the board?

Marlin Weisheit: I'd make a motion to change all four (4).

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Adam Long: With respect to dissemination to employees, some of these things can be handled with like an adhesive distribution where people could put a copy on their personal copy instead of distributing new books, obviously all new books would...

Roger Emmons: What we've done in the past for these changes, I have broadcasted emails and made sure that for those departments or offices where the department head has employees without county email access to print that out and give a copy to each one of those employees. I have one, I just printed out a sheet back when the Commissioners changed the definition for part-time employees. That's how I've done it and it's a copy of the broadcast email so that way I've got it covered both ways.

Proclamation 2013-15 ~ Bicentennial Committee's Interfaith Prayer Service

Roger Emmons: Then I have a couple more items; this was brought in this morning. Proclamation 2013-15 Bicentennial Committee's Interfaith Prayer Service. Todd Glass, once again as a member of the Steering Committee drafted this in conjunction with the Bicentennial celebration events. This one covers the Interfaith Prayer Service to be held on Sunday, October 27th, at 2:00 PM on the Courthouse square. If it's nice they want to do it out on the south lawn and the steps. In the event of bad weather they've asked to have access to the Courthouse down in the lower floors main lobby. And I told them if that was the case I'd come in and unlock for them. Again, it's Proclamation 2013-15.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Okay, the motion carries. Do they want a commissioner to read that Proclamation? It was just this last weekend there were a couple of issues cause we hadn't been informed that we were expected...I went one place to read one and found out it wasn't the date that they had told it was but in so doing I found out that we were supposed to read one that afternoon in an entirely different place so it was interesting. But it was read. The one before was a week earlier unfortunately.

Adam Long: And generally these are read into the record so is that going to be done with respect to this one as well?

Don Williams: We can if we need to; I mean they're all about alike. If we need to read it can we read it by subject and title or do we need to read it? It doesn't matter to me.

Adam Long: The last time we passed a group of four (4) of them I think simultaneously. I certainly would defer to Roger with respect to how that's been handled historically but I think you could handle by name and title.

Don Williams: Go ahead and read that in, we'll read that in, why don't you go ahead and read that in Roger. Unless somebody is a really speed reader.

Roger Emmons:



200th Bicentennial Celebration of the Founding of Warrick County
and the
**BICENTENNIAL COMMITTEE'S
INTERFAITH PRAYER SERVICE**

Proclamation 2013 - 15



WHEREAS, the Indiana Territorial Legislature passed an act that formed two new counties in southwestern Indiana, namely the Counties of Warrick to the South and Gibson to the North, effective April 1, 1813; and

WHEREAS, Warrick County was named after Capt. Jacob Warrick, a personal friend of General William Henry Harrison, who fought Tecumseh's Indiana Confederation at the Battle of Tippecanoe in 1811, where he was mortally wounded and died as the battle was turning in favor of Harrison's troops; and

WHEREAS, the citizens and communities of the great County of Warrick have banded together and have elected to honor the pioneers of the County and its founding in 1813, and have initiated a year long celebration of the 200th Anniversary of the founding of Warrick County; and

WHEREAS, the Warrick County Bicentennial Steering Committee has recognized as an Official Bicentennial Event the **INTERFAITH PRAYER SERVICE** to be held on the grounds of the Old Courthouse Square in Boonville on October 27, 2013, at 2:00 pm; and

WHEREAS, at the **INTERFAITH PRAYER SERVICE** representatives of many faiths including the Temple Adath B'nai Israel, several Christian denominations, the Islamic Center of Evansville, the Hindu Temple and others will come together in unity to celebrate the diversity of the various faith communities that call Warrick County home in its 201st year as a County. This gathering of spiritual believers will offer up prayers for the strength and safety of our community, the positive health and growth of our families, our future and the unity of our various faiths, and the public is invited and encouraged to attend.

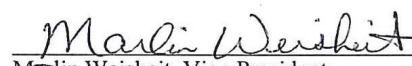
THEREFORE, the Commissioners of the County of Warrick, Indiana, in recognition of the 200th Anniversary of the founding of Warrick County, hereby proclaim October 27, 2013, as **COMMUNITY OF FAITH CELEBRATION DAY** and thank the citizens and communities throughout the County for joining in the Interfaith Prayer Service to be held on October 27, 2013.

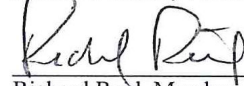
In testimony hereof, we have hereto set our hands and caused to be affixed hereto the great seal of Warrick County at the County Commissioners' Chamber in Boonville, Indiana, this 15th day of October, 2013.

WARRICK COUNTY COMMISSIONERS


Don Williams, President

[SEAL]


Marlin Weisheit, Vice-President


Richard Reid, Member

ATTEST:


L. B. "Dixie" Dugan
Warrick County Auditor



Roger Emmons: There's the title. Do I need to read it all?

Adam Long: I don't believe so, I mean, you've read the other ones by name and title only, it's been acknowledged that they're the same form and substance as the previous versions so I think that would be sufficient.

Roger Emmons: Okay, thank you.

Health Insurance

Roger Emmons: The next item has to do with the Health Insurance. Just today I copied you on my reply to a email I received from our broker Dave Waltz. The subject line was "Warrick County change summary". That had to do with three (3) items, the first two (2), which have been approved by the Commissioners, had to do with eye exams, improving the language on that because they were in contradiction from two (2) different sections, and the number of diabetic counseling sessions that would be allowed. But there's a third one about covering flu shots administered by pharmacies. This was brought to my attention by Judge Meier who went and had his flu shot at a pharmacy and he found out it was not in-network and so it was at an eighty/twenty (80/20). So, what we'd like to do, if it's the boards' wish is to include flu shots administered by pharmacies and also the Health Department has requested that they be covered as an in-network provider for both the flu shots that they give and any other immunizations that would be considered under the wellness benefit as our flu shots. Under the wellness benefit they're covered at one hundred percent (100%) at no cost to the employee. So, if the board...I don't know if a consensus or a motion, but subsequent to this we will receive the Summary Material Modifications and the Amendments for each one of these three (3) changes. That will be brought fourth, I'll submit those to you at an open commissioners meeting for approval as soon as I receive them.

Adam Long: I think consensus can be given since there's no official action of it be to request the delivery of the Summary Material Modifications and other documents relative to that to issue.

Roger Emmons: Do I have a consensus on the flu shot?

Marlin Weisheit: You have my consensus.

Don Williams: Yeah, I'm fine with it.

Roger Emmons: Thank you. You wanted to discuss the old flag pole on the east side of the Courthouse?

Don Williams: Yeah, we can, we were talking about it earlier.

Roger Emmons: It's no longer used, way back when the Courthouse was remodeled and the new flag pole was put on the very top of the Courthouse. So, the question is do we want to refurbish it and have a flag on it to continue it there or to take it down?

Don Williams: And we can think on that if you want to, it doesn't have to be made today but the thought was since we are having the roof repaired up in the cupola that since we got a crane already here it would be cheaper if we're going to do that, of course it does lay down but still it'd have to be laid down with a crane, I don't think...

Marlin Weisheit: Why don't you check with maintenance and see if they can possibly have it laid down where they can lay it on the ground and then stand it back up, at least it'd be repainted.

Roger Emmons: Sure.

Marlin Weisheit: If we change our mind in the mean time and we want to remove it from the base we could but...

Roger Emmons: It may be...I know that Brad a lot of times on Fridays when the Highway Department is not working he has access to the bucket truck at the Highway Department, he might be able to do that just so he and Mike can hook something on to it and lay it down and then refurbish or paint it. Alright, I'll check on that. One last item regarding the employee handbook, it has to do with the fact that the current handbook does not cover Seniority/Longevity. And Krystal brought this up and I know that the County Council Attorney, Greg Granger, believes the handbook uses six (6) months but the six (6) month is the unpaid leave of absence, leave of absence without pay section. The old handbook did include section 3.11 Seniority/Longevity. That stated employees with one or more years of service that may leave the county's employ for a period not to exceed one year may return to the county's employ without losing their previously approved longevity or seniority. However, there is no longevity or seniority accrued for the period of the employee's leave of absence. So, I asked Krystal, I really think it's probably important enough that that be a part of the employee handbook. It's probably one of those sections where the law firm that was reviewing our handbook at the time, if you recall the red line things that came in, they suggested that be a standalone policy with HR. I sent an email; I copied Joyce, our former HR Director on that, she's not replied. I've asked her if she has such written policy and if it's in her old files it would make it easier for me to find so that's just for your information right now, we can cover it at the next meeting if that's the will of the board.

Don Williams: That's fine.

Roger Emmons: That's all I have, Gentlemen, thank you.

COUNTY CLERK

Redistricting

Don Williams: Okay, County Clerk, you're up.

Sarah Redman: Good afternoon, Sarah Redman, Warrick County Clerk. So, a couple of weeks ago I sent you a email outlining the duties that need to be performed this year on Redistricting. And I passed out some proposed mapping and some numbers showing how many residents census-wise live in each precinct so you can take a look and see what changes you can come up with and we can get the redistricting done so that we can prepare before the 2014 election. Do you have any questions?

Don Williams: So we can review these and make any changes we want and...

Sarah Redman: Correct.

Don Williams: We need to do this...if I remember correctly; this has to be done by ordinance? Roger, can we look; last time this was done it was in 2001.

Roger Emmons: I can't answer that. I don't have that...

Don Williams: I'm just telling you.

Roger Emmons: Okay, alright, that's good enough for me, Don.

Don Williams: Okay, can we look and see if we can find that old ordinance? I think it would be a benefit. You'd probably like that wouldn't you, Counselor? The old ordinance so you'd have a pattern?

Adam Long: You know, I love reinventing the wheel but this would be one that maybe it would be helpful so yeah that would be great.

Don Williams: Let's see if we can find that.

Adam Long: I was thinking my earlier research just came up a year in a half ago, that sounds familiar.

Don Williams: I think we did it...I'm pretty sure it was 2001, it could have been 2002.

Roger Emmons: Okay, we've got on file all the old ordinances.

Don Williams: Yeah, it was in 2001.

Roger Emmons: Angie can do a word search on her computer and locate it in seconds.

Sarah Redman: And the copies I've provided you will show for an example the current district one council district I proposed what the percentage of change would be with the movement between the four (4) districts. And I did want to point out, I received an email today, I think Roger might have forwarded it to me, somebody else forwarded it to me as well but DePauw University had been completing a study in 2011 and 2012 on the different counties in the State of Indiana. And what they did point out was the fact that our Council Districts were not closely matched as far as the census goes but they must be contiguous, which they are, and they cannot cross boundary lines and the proposed maps do not do that but they did point out in district one, I wanted to bring to you attention that they felt that that was not considered 'compact'. And if you look at the top, the district, it kind of has a lake that goes up, they pointed that out on their study, I don't know that that's something you could really change necessarily, it's the shape of the precincts.

Roger Emmons: Maybe our definition of 'compact' differs.

Sarah Redman: I think it's perfect.

Don Williams: I like the word contiguous better.

Sarah Redman: Contiguous is nice.

Rick Reid: You got it pretty equal on the district side too.

Don Williams: Yeah, my question was, just in glancing, the percentages, is that after the proposed or is that what it?

Sarah Redman: The first page...

Don Williams: The first is 'as it is now'...

Sarah Redman: Current. And then the second is proposed.

Don Williams: Second page is the new one.

Sarah Redman: With the changes that we made in District one and two, I believe Ohio eight was flip flopped to help with those numbers and then Anderson and three and four.

Don Williams: So, they're all right on, we have one that's...they're all within two percent (2%), I think that's a State...if I remember right a State goal.

Sarah Redman: The goal is to stay under three percent (3%) to show equal representation.

Don Williams: Good, okay, I'd recommend the board that we take these under advisement and then we can hopefully get Adam an ordinance to act on the 28th. Is everybody okay with that?

Adam Long: We could consider it but I think as far as passage it may be a little difficult unless the Clerk feels comfortable with the numbers. Because in some of the research I did, I think back in 2011, one of the issues that had come up in a court of appeals case was there was a half of a percent discrepancy amongst the districts and that was not close in number, or whatever it's defined as under the statute.

Don Williams: Last time I know it was two percent (2%).

Sarah Redman: Right and she told me with...I'm refereeing to Michelle Brzycki with the State of Indiana Election Division, she said that she's seen law suits against counties for ten percent (10%) difference and she's seen them as low as three (3%), two percent (2%). It depends on the reasoning behind the law suit.

Adam Long: Sure, well, and it all...if you have the ability to shift the precinct across from one side or the other and then the numbers can be at or near zero (0) then that would be what you would have to do.

Sarah Redman: Right.

Adam Long: I mean, it says near equal as possibly or nearly as possible.

Sarah Redman: Please take a look at the maps and see if you feel like there's anything you might want to change.

Rick Reid: Adam, if you look at all these precincts they all have six hundred (600) to twelve hundred (1,200) of so so when you start flipping one precinct over there it really throws it off real fast too so...

Adam Long: Oh, certainly, I mean, but there are some in there that have like one hundred fifty eight (158), there's the three eighty three (383), five forty two (542), three forty four (344), so there are some that are low, I mean...

Don Williams: But they got to be contiguous.

Adam Long: Well, yeah and they're on the fringe so I looked to see...

Rick Reid: Yeah, we looked at all that too so...

Adam Long: Oh yeah, I don't dispute it, I'm just pointing that out, I'm just trying to avoid somebody raising it as being an issue.

Rick Reid: Sarah, you did a good job on that.

Roger Emmons: Mr. President, while Sarah is still at the podium, she informed me today that the HAVA Grant that was approved that they...we have the money.

Don Williams: Right.

Roger Emmons: They sent the money.

Don Williams: And there's going to be a gathering at the Courthouse lawn at 9:15...

Sarah Redman: Correct, October 25th.

Don Williams: That sounds right, it's a Friday.

Sarah Redman: Secretary Lawson will be here so if you're able to attend.

Don Williams: Right, and I sent email to the Commissioners, I have a Work Force Development meeting in Princeton that morning and I am unable to attend, if either one of you...actually if both of you could attend it would be great.

Marlin Weisheit: We'll do our best, won't we, Rick?

Don Williams: Okay, great.

Sarah Redman: Thank you.

Marlin Weisheit: Thank you.

Sarah Redman: For all of your help with the HAVA Grant.

Don Williams: Thanks for your hard work here.

Sarah Redman: Thank you.

Don Williams: Okay, I need a motion to take the redistrict information under advisement.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Have a motion and a second. For two (2) weeks?

Rick Reid: Yes, Sir.

Don Williams: If it needs to be tabled an additional two (2) weeks we can do it.

Adam Long: Certainly.

Don Williams: Okay, so I have a motion and a second to take it under advisement for two (2) weeks. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

COUNTY AUDITOR

Don Williams: County Auditor, do you have anything for us today, Sir?

L.B. "Dixie" Dugan: No, Sir.

COUNTY PURCHASING

Service Agreement with Alpha Laser for Coroner's Kyocera Di2510F Copier

Don Williams: County purchasing, you have a Service Agreement, is that the only thing you have for us today, Sir?

Joe Grassman: Yes. Joe Grassman, Purchasing Manager, I'm here on behalf of the Coroner, the County Coroner asking your approval of a Maintenance Agreement for their copy machine. It's a ten (10) year old machine, it still works but it's probably at that age where it could be having some issues start to develop. The service agreement without the laser is for twenty four dollars (\$24.00) a month. It includes all toner, drums, parts and labors is on the service for the machine, it's a yearly contract. She...by the way, the toner for this machine costs sixty bucks (\$60.00) and the drum is one hundred fifty dollars (\$150.00) if they were to replace either. She expressed to me that she averages about ten (10) or fifteen (15) copies a month so there's a two thousand dollar (\$2,000.00) cap on that they would never probably ever exceed so it's going to be twenty four dollars (\$24.00) a month for the year.

Rick Reid: How many copies did you say they do a month?

Joe Grassman: She said ten (10) or fifteen (15). Even if it was one hundred fifty (150)...

Rick Reid: I think she ought to just come up here and make the copies.

Joe Grassman: It might be a little inconvenient for her but that's pretty much all of the details.

Don Williams: She's got the funds I'm assuming?

Joe Grassman: Yes.

Adam Long: My only questions is is the agreement with Alpha Laser substantially the same as the other ones that we had approved with the...I think we had an Incorporated Addendum with respect to the Iran certification with E-Verify which E-Verify everybody that we have on that is off the hook right night with the Government shut down but...

Joe Grassman: No, we do not have the Iran...

Adam Long: And I would recommend approval so long as the agreement is the same as the one as the one that we had previously negotiated with respect to the other equipment and that it contains the two (2) addendums with respect to the requirements for third party contractors.

Don Williams: So can approve that contingent upon your approval?

Adam Long: You can re-forward it to me or they can just use the same form they did on the other one and that meets my approval because we had negotiated the modifications of that previously. So the board could approve it subject to them accepting the terms and conditions as previously negotiated then that way I don't have to re-read it.

Don Williams: Okay, what's the will of the board?

Marlin Weisheit: I'd make that motion.

Rick Reid: Second.

Don Williams: We have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Did you say aye, Rick? It was very difficult to hear from here.

Rick Reid: It's not a very enthusiastic. (Laughter)

Don Williams: It wasn't very enthusiastic?

Marlin Weisheit: I think she makes more copies than that, Rick, is the reason I...

Don Williams: Okay, motion carries.

Rick Reid: I hope so because ten (10) copies...

Don Williams: Yeah, I'm thinking on that one myself.

Adam Long: That's two dollars (2) a copy.

Roger Emmons: Go to another office.

Don Williams: Well, you know, that's something to think about.

Marlin Weisheit: But there might be times that she's...

Roger Emmons: Ten (10) to fifteen (15)?

Marlin Weisheit: In there when the other offices are closed too so...she needs that copier. Did we vote on that?

Don Williams: Well, that's true...no, we haven't, have we voted on that?

Adam Long: Yes.

Don Williams: We did?

Roger Emmons: I believe you did, yeah.

Don Williams: Of course, we could always rescind but the other side of the coin is you just call them and have them repair it when it's broken down. This is not a lot of money we're talking about, that's for sure. But I scratch my head...

Joe Grassman: I'd say one (1) repair issue or two (2) repair issues would be well over two hundred and eighty eight dollars (\$288.00).

Marlin Weisheit: Yeah.

Joe Grassman: That's my only issue.

Don Williams: Okay.

Adam Long: And you indicated that machine is kind of old.

Joe Grassman: Ten (10) years old.

Marlin Weisheit: Very reasonable contract.

Don Williams: You have another issue or is that...?

Joe Grassman: No, I do not.

Rick Reid: Thanks, Joe.

Marlin Weisheit: Thanks, Joe.

COUNTY ATTORNEY

Ordinance 2013-25: Ordinance Modifying 135.18 of the Code of Ordinances Concerning Tattoo Parlor Permit Fees

Don Williams: County Attorney.

Adam Long: One moment while I reorganize here.

Don Williams: Ordinance 2013-25 we voted on the first reading the last time.

Adam Long: Certainly, with respect to 2013-25 I would request that if it's the board's pleasure to have a motion to move on to proceed to the second reading of Ordinance 2013-25 and that the second reading of the same be done by title and number only.

Don Williams: Okay, do I have a motion?

Marlin Weisheit: So moved.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Adam Long: Alright, with respect to said ordinance we have Warrick County Ordinance 2013-25, An Ordinance of the Board of Commissioners of Warrick County Amending Section 135.18 of the Code of Ordinances. After that reading I'd request we have a motion to pass Ordinance 2013-25 on second reading, proceed to third reading.

Marlin Weisheit: So moved.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Adam Long: We have Warrick County Ordinance 2013-25, An Ordinance of the Board of Commissioners of Warrick County Amending Section 135.18 of the Code of Ordinances. We'd need a motion to pass the ordinance on third and final reading.

Marlin Weisheit: So moved.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Adam Long: That is it with respect to that ordinance, based upon the terms and conditions of this that it would be effective upon passage. It does not prescribe a penalty so that is appropriate we just need to publicize it like we would any other ordinance that is passed.

Environmental Issues on Minerals from Resolution 2000-03

Adam Long: With respect to the second issue that I've listed under the agenda. This is kind of a difficult problem. We have Mr. Dugan here; Mr. James from the Auditor's office has been handling this for a period of time. Back in 2000, maybe I believe the discussion occurred in 1999 there were some parcels that were giving our departments difficulty in that there were a substantial number of mineral parcels that were delinquent on the property tax associated there with and therefore making a list of delinquent parcels relatively substantial. And so what was done is there is a Indiana Code provision that allows the Board of Commissioners, rather than taking a Tax Sale Certificate for the parcels and acquiring ownership through that mechanism it allows the Commissioners to claim or proclaim that the individual parcels have environmental issues which are more hazardous than...it would be more expensive to abate then what the property is worth so essentially in 2000 a resolution was passed, it's 2000-03 that identifies, I believe a three (3) or four (4) page, single spaced, list of the parcels. There are some individual land owners that have bought homes and what not over the years that have tried to re-acquire the full ownership interest in the parcel on which their home sits but unfortunately these mineral parcels that were exlaimed as being hazardous are unable to be remerged with a fee

although I think even one individual had paid all of the back property taxes were owed but could not acquire the ownership interest because they were essentially stuck as being determined to be hazardous. Based upon my review of the minutes I think it's pretty clear that some of the parcels were handled in this fashion just to take them off the county's hands with respect to how they were added on the delinquent tax sale list and some of them very well could have had an environmental issue, I don't think that there was any testimony from an environmental expert or any report that was submitted. I think it was essentially just discussion.

Don Williams: I was at that meeting.

Adam Long: And essentially what could be done, rather than doing a blanket approach and removing all the parcels from the list, in the even a homeowner or property owner for that matter, the person that owns the...essentially what would be described as the 'master parcel' in the mineral interest would be the servant parcel of real estate interest, if that person comes in with the surface rights and essentially says 'hey, I own the surface rights, there is no environmental hazard here. In the event any environmental hazard that existed in 2000 presents itself I'll be responsible for handling the cleanup of the same remediation of the same', and that would allow the commissioners to remove that parcel from the Resolution 2000-03 and that would need to be done by subsequent resolution of course. But they can come; request the approval for that to be done, the vote could be had at that point in time, and then a subsequent resolution could come before the board which would remove that parcel from that original declaration. So essentially what I would request from the board is that...if this is something that the board is interested in I can advise these property owners, I think there're may be two (2) I know of one (1) presently, there was one (1) formerly...I think they gave up but I could at least advise the current person that the board would consider that request and then they can present their case to the board for consideration.

Rick Reid: How many parcels are there?

Adam Long: There's a lot of parcels on the list, there's not very many parcels that anybody really cares about. They may over the years trickle in over time but this list if you look at that resolution it's a single spaced list of parcels. That's all it is, just pages of numbers.

Don Williams: There's more than one (1) page isn't there?

Adam Long: Three (3).

Marlin Weisheit: This just creates a way to clean up the ones that need to be cleaned up.

Adam Long: Yes, and it'll be done in piecemeal fashion, one at a time so that way people can come present their case to the board and also acknowledge the fact that in the event there is an issue that they be responsible for it.

Don Williams: I think that's why that was done so the county would be taken off liability line...

Adam Long: Certainly.

Don Williams: I think a lot of them just have minerals on there period.

Adam Long: I think that's primarily what these are just all mineral rights.

Marlin Weisheit: Do you need a motion today or do you just need consensus or...?

Adam Long: A consensus would be appropriate because there really wouldn't be any official action since there isn't a request before the board but that was me giving a heads up because there was another method to hand this which we had discussed in an administrative setting that is so expensive that this list will last forever unless you had somebody that was just inherently wealthy and they wanted to spend several thousand dollars to try and acquire the mineral rights. There really is no way to correct it other than doing it this way in my opinion.

Marlin Weisheit: We'll I'm in favor of going ahead like this, just so we can...

Don Williams: Yeah, individual basis.

Rick Reid: Yep, that's fine.

Adam Long: Okay, thank you.

Marlin Weisheit: Thanks, Adam.

Adam Long: Certainly.

Don Williams: Anything else, Counselor?

COUNTY PROSECUTOR

Amended Ordinance (Warrick County Prosecutor Bad Check Restitution Program) – Request to Table to 10/28/13

Adam Long: I can address the issue relative to the Prosecutor's Ordinance.

Don Williams: Okay, why don't you go ahead and do that.

Adam Long: I can do that.

JoAnn Krantz: You're skipping the County Engineer?

Don Williams: We are; and Highway and Sheriff.

Marlin Weisheit: We're putting you up front.

JoAnn Krantz: Thank you; I have a church meeting here shortly so I appreciate that. JoAnn Krantz, Warrick County Prosecutor.

Don Williams: Anytime if you have something on the agenda and you have something pressing just let us know we'll move you up.

Jo Ann Krantz: Okay, thank you.

Adam Long: If I may I can address the board with respect to this.

Don Williams: Sure.

Adam Long: I went through and drafted the ordinance, re-drafted the ordinance, pursuant to our previous discussion and found in reviewing the variety of statutes which authorize the collection of court cost that there is some confusing language that is confusing to the point where it very well could be contradictory to a certain degree. And I asked the State Board of Accounts, Ms. Montgomery, to review this and she actually indicated that she was going to forward this up to Indianapolis because it is somewhat peculiar. Just by example, as part of the email I sent out the other day there are a couple of references to different fees that can be collected. One of the fees that's collected is described as being 'Court Costs'. The Court Costs are authorized by Indiana Code 33-37-5-17-B. The Pre-trial Diversion Fee is another authorized fee that can be collected which is set forth in Indiana Code 33-37-4-1-C. What's peculiar is that 33-37-8-4-A says that all pre-trial diversion fees and funds collect pursuant to 33-37-5 shall be delivered to the Auditor to put in the prosecutors fund. It says 'all pre-trial division fees' but then it goes back and it says that it reference the statute for court costs, not the pre-trial diversion fees. If you remember what I said a minute ago there's Pre-trial Division Fees and Court Costs. The statute says 'the prosecutor can have the pre-trial diversion fees' and says that in plain simple English, but then when it says 'collected under statute' it refers to the court cost statute which in another statute says is what the clerk collects for the administration of the program.

Don Williams: So you're just seeking clarification?

Adam Long: I am asking for clarification. I think the way this is written is functional so long as the State Board of Accounts accepts the way that the funds are administered because the statute is pretty clear. It says the prosecutor collects 'X'. 'X' goes into 'Y' fund and 'Y' fund can be spend on a list of 'Z'. It's very simple. But the problem is there's disagreement to the terminology used in the variety of statutes and so what I went ahead and did is I wrote it in a way that I think would be functional and then sent it to them so they could check it because last time I started meddling with my drafting in criminal local fees they asked us to stop collecting them.

Don Williams: Yeah, that was a good cause.

Adam Long: So, that was...that's just something I didn't want to get into a situation where the State Board of Accounts says 'stop applying those funds because they're being misappropriated', I'd rather them say 'we like this' on the front end and so if we get audited there is no problem.

JoAnn Krantz: Diversion programs are in every county in Indiana.

Adam Long: I understand that.

JoAnn Krantz: And so...I don't see what the...I mean, every county has done it and has ordinances so...is there something special about this particular program?

Adam Long: No. And that's what...even the State Board of Accounts, Ms. Montgomery said 'did you find anything that was particular to bad check funds?' And I said 'no, I think this treated as any fund would be treated under 33-39-1-A-D' which is the prosecutors pre-trial diversion program authorization statute. I said 'that's what authorizes this' so then I looked for cross references off that statute, found the various funds. I just think that there are some bizarre language where I think it'll work the way it's written but I want the State Board of Accounts to give us the thumbs up that way if we get audited they're going to approve it.

JoAnn Krantz: Is this an amendment of the ordinance from the 1980's or is this a new ordinance?

Adam Long: This would be a new ordinance. The other ordinance would be removed which essentially I should probably should add a paragraph saying the ordinance from 1982 or something like that is terminated. But that's where I am with it.

Don Williams: Do you have any idea when we get an answer? Cause I don't want to...

Adam Long: Next week is what she said. But that's when they return to work, not when they were going to look at it. She said 'I wouldn't be able to get to until'...well, I'm sorry, that's this week.

Don Williams: So we're going to get an answer from the State Board of Accounts, they're not going to bump it up to the LGF for anything like that?

Adam Long: I don't believe that they will send it to any other department but it was going to be sent to the Indianapolis office because Ms. Montgomery thought those statutory references very well could pose a problem so she said that she was going to contact Debbie Gibson or whoever the other individual was that she might have contacted. She didn't remember it cause she had talked about this topic with one of those two individuals in Indianapolis.

JoAnn Krantz: I'd like to bring another point, there is presently a pre-trial fund, it's only used now for deferral fees from Infraction Deferral Program but for many, many years when there was diversions programs those funds were deposited into that account.

Adam Long: Sure...

JoAnn Krantz: So there's not a...unless there's something new...

Adam Long: There's two separate accounts. One of them is the Pre-trial Diversion Account that nobody can spend any money out of except for what the State says is alright and then there's the Prosecutors Fund which is separate from that that comes from your Pre-trial Diversion Programs.

JoAnn Krantz: The Deferral Fund or the Diversion Fund?

Adam Long: There's two. There's one that the State administers and then the one that the council can appropriate from to your office.

JoAnn Krantz: Both of these would be subject to council appropriation.

Adam Long: One of them can be appropriated to your office for the list of perimeters under 35-43-5-5-C.

JoAnn Krantz: Deferral, which is the Infraction Deferral, that subject to that fund, 2504, is subject to appropriation and any funds that come from Diversion which for all the years until there wasn't any more DUI's could go to diversion so and then we just didn't go diversion under Todd Corn, we just filed them and dealt with them in court. Those fees were deposited into the same account which is now known as 2504. It had another Auditor's number at a different time. So are you saying there's going to be two accounts with the Auditor's office?

Adam Long: The way...after doing the research and if you look at the...I sent you a draft of this so please take a look at this if you feel like this is an error. There is a Pre-trial Diversion Fund. And then there are Court Costs that are collected as part of Pre-trial Diversion Programs that aren't called Pre-trial Diversion Program Fees for some reason under some of the other statutes. One of those funds, the funds collected under 33-37-5, those funds that are collected under that specific statute get put into an account that's created by ordinance, for the council to draft an ordinance to re-appropriate those funds or appropriate those funds to the Prosecutor's office. The other fund, the money's collected under 33-37-4; those are the pre-trial diversion fee that is not subject to appropriation to the prosecutor's office. So there's the years of funds that can be collected...

JoAnn Krantz: I understand.

Adam Long: So you have 'X', 'Y' and 'Z', well, 'X' goes here, 'Y' goes to the Council to the Prosecutor.

JoAnn Krantz: So with the Deferral and Diversion there would be three (3) funds.

Adam Long: Very well could be. I didn't look at infraction deferral and how that's administered.

JoAnn Krantz: But I'm...suggesting that may be if it's appropriate when a State Board of Accounts instead of creating another fund for those dollars that go into the account that is for the use of the prosecutor's office to...for criminal justice reasons...

Adam Long: Sure.

JoAnn Krantz: And that is subject to appropriation each year you could have one fund which is the way it's been, I know what you're talking about...

Adam Long: It might not be impossible to do that so you're saying 2405.

JoAnn Krantz: 2504.

Adam Long: 2504 is a fund that you're using and you are bound by 35-43...

JoAnn Krantz: I don't know what statute it is.

Adam Long: Well, there's a statute that says 'office expenses, continuing education' so that statute and that's in that draft that I provided you...

JoAnn Krantz: Police Dogs...

Adam Long: It's possible that we could ask the State Board of Accounts to let that go into that same fund so that way the council doesn't have to separately appropriate funds from two separate accounts.

JoAnn Krantz: That's what's happened for thirty (30) years.

Adam Long: Okay, 2405?

JoAnn Krantz: 2504 which reads as the Prosecutors Deferral Fund right now, it's the Pre-trial Infraction Deferral Fund and it's named that because only infraction money is going in there right now.

Adam Long: Okay.

JoAnn Krantz: But diversion money...the prosecutor's portion was also going into that for many years. Now, I know the statutes have changed; I just raised that as you don't want to have any more funds than we need to for just keeping track.

Adam Long: And anymore accounts cause they...apparently once they're created you can never remove them, which is kind of weird but...

JoAnn Krantz: But then, just like with deferral there's part of the money that goes to the Clerk, part of it goes to the State, goes to the Jury Fund, I mean, they piece out that fee in many ways and then there's a piece of it that goes into 2504.

Adam Long: Okay, okay, I see...yeah, and I think we're saying the same thing. There are two pre-trial diversion fees technically, they're called different things. One of them goes to that one that segregated among all of the judicial office, the other one goes to your office that's appropriated by the council. You want your share of the pie and your whole pie all going to the same account for appropriation under that one fund.

JoAnn Krantz: Right. That would be appropriate.

Adam Long: Makes sense.

Don Williams: So, the bottom line is, if the State Board of Accounts gets back to you like they're supposed to we can resolve this on the 28th?

Adam Long: Yes, what I think I would do essentially...

Don Williams: You two understand each other is becoming apparent but I'm not sure the three of us, I think we...

Marlin Weisheit: We trust you two.

Adam Long: Just take our word for it, yeah.

Don Williams: I think a basic understanding in the true sense of the word 'basic'

Adam Long: Essentially what I'd do, I sent a draft out that one change would be made just so I can put it on the record, one change would be made is I would rescind 1989-12. The other change would be rather than creating a new fund I would ask the State Board of Accounts if I can put the money into the 2504 account so that way we don't have to ask the council two ordinances to appropriate funds from two separate sources.

JoAnn Krantz: One last thing then. Presently, and this may be different because of deferral and diversion the pre-trial deferral, infraction deferral, those fees are paid through the clerk and the clerk sends it out where it belongs, sends it to the State, sends it wherever, deposit then sends it over to the auditor and treasurer and somehow then it flows into that 2504 account. So you're talking about diversion being paid to the auditor that would be different unless you're just leaving out a step there.

Adam Long: In this situation they're paid to the Clerk. The statute requires that also.

JoAnn Krantz: Okay, alright, so it's all going to be the same.

Adam Long: Yeah, I did determine that. So they all should be funneled and distributed in the same fashion.

JoAnn Krantz: Well, thank you and I'll see you on the 28th.

Adam Long: Sure.

JoAnn Krantz: Thank you.

Adam Long: What I would request that we do is if I haven't heard back from the state board of accounts, one I'm going to do a new draft, two if I haven't heard back from the State Board of Accounts with respect to their approval of the it's written I would request it...not necessarily the authority but to alert the board that they haven't heard back, there'd be no reason for the prosecutor to come here so that way we don't place it back on the agenda.

Don Williams: Well, what we'll do today is we'll table it to the 28th and if we don't get the information back in a timely manner then you won't have to pretty well just simply table it on the 28th until the first meeting in November.

JoAnn Krantz: Okay, that's fine. Thank you.

Adam Long: Sure, and at this point in time, really with those two modifications our ordinance will be ready so I mean if the State Board of Accounts gives us the thumbs up then we'll be able to put it forward.

Don Williams: Okay.

JoAnn Krantz: Thank you very much.

Rick Reid: So you want a motion?

Don Williams: I would like a motion to table until the 28th.

Rick Reid: Motion to table until the 28th of October.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

COUNTY ENGINEER

Scales Lake Project Pay Estimate #11

Don Williams: County Engineer, you have a...

Bobby Howard: I have one (1) item. Its contractor’s application for payment number eleven (11) for the Scales Lake Project in the amount of \$109,604.19. The project is ninety four percent complete at this time and I recommend approval of this pay app.

Marlin Weisheit: Make a motion to approve payment.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Bobby Howard: And that’s all.

Marlin Weisheit: Thanks, Bobby.

COUNTY HIGHWAY

Don Williams: Do you have anything from the Highway side?

Bobby Howard: No, Sir.

COUNTY SHERIFF

Don Williams: Sheriff, do you have anything?

Rick Reid: He’s gone.

Marlin Weisheit: He stepped out.

Don Williams: Did he give his weapon to somebody to protect us while he’s gone?

Rick Reid: Keith has it.

Marlin Weisheit: Keith’s got us covered.

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Commissioner Reid, do you have anything, Sir?

Commissioner Reid: No, Sir.

Commissioner Williams: Commissioner Weisheit, do you have anything, Sir?

Commissioner Weisheit: No, Sir.

Commissioner Williams: If not I'll entertain a motion.

Commissioner Reid: Motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Williams: We are adjourned.

DON WILLIAMS, PRESIDENT

MARLIN WEISHEIT, VICE PRESIDENT

RICHARD REID, MEMBER

ATTEST:

L.B. “DIXIE” DUGAN, AUDITOR
WARRICK COUNTY, INDIANA